



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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January 21, 2021

**By ECF**

Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

MEMO ENDORSED:  
Defendant's time to respond to  
Plaintiff's Complaint is  
extended 30 days.

SO ORDERED.

Paul G. Gardephe  
United States District Judge

Re: C.O. v. New York City Department of Education  
21 CV 39 (PGG)

Dated: January 22, 2021

Dear Judge Gardephe:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel assigned to represent Defendant New York City Department of Education ("DOE") in the above-referenced matter. I write to respectfully request a 45-day extension of Defendant's time to respond to Plaintiff's Complaint, from January 26, 2021 to March 12, 2021.

By way of background, Plaintiff commenced this action on January 4, 2021, alleging that DOE failed to comply with the terms of an Impartial Hearing Officer's Findings of Fact and Decision, in violation of the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 *et seq.*, and seeking attorneys' fees for work completed on the underlying administrative proceeding, among other forms of relief. (Dkt. No. 1)

The requested extension would provide time to further investigate, gather and organize the record of the administrative proceeding, work toward resolution of the implementation issues, and prepare an appropriate response. This is Defendant's first request for an extension of time to respond to the Complaint.<sup>1</sup> There is an initial conference scheduled for

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<sup>1</sup> By email dated January 21, 2021, Plaintiff's counsel, Erin E. Murray, consented to a 30-day extension, arguing that anything beyond that timeframe is unreasonable. Given the unique nature of this case and the reasons described herein, Defendant respectfully requests a 45-day extension to respond to the Complaint.

May 6, 2021 (Dkt. No. 5), which the requested enlargement should not impact and which can proceed as scheduled.

Thank you for your consideration of this request and Happy New Year.

Respectfully yours,

/s/ SNG

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SHERRY N. GLOVER  
Assistant Corporation Counsel

cc: Erin E. Murray, Esq. (via ECF)